

In the Court of Appeals of the State of Alaska

Angelo Joseph,

Appellant,

v.

State of Alaska,

Appellee.

Trial Court Case No. **3AN-11-12874CI**

Court of Appeals No. **A-13083**

Order

Motion to Review Superior Court's
Decision

Date of Notice: **July 24, 2019**

Before: Allard, Chief Judge, and Harbison, Judge

In May 2019, this Court remanded this case to the superior court to determine whether there was a conflict of interest between Appellant, Angelo Joseph, and the Public Defender Agency. After conducting a sealed hearing, the superior court ruled there was no conflict. In response, Mr. Joseph filed a pro se motion in this Court, asking us to review the superior court's decision. Because Mr. Joseph is alleging that the superior court erred when it ruled that he did have a conflict with the Agency representing him, this Court will accept his pro se motion.

Mr. Joseph's pleading provides no specific allegations or evidence of an actual conflict with the assistant public defender representing him in this appeal, and thus provides no basis for this Court to review the superior court's decision. Accordingly, we perceive no reason why, at this stage of the litigation (Mr. Joseph's opening brief is due later this month) the Court should review the superior court's ruling.

To the extent that Mr. Joseph believes that either his current attorney or the Agency have a disqualifying conflict of interest, he may litigate that issue through a new

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application for post-conviction relief in the superior court, based on *Grinols v. State*, 10 P.3d 600, 618 (Alaska App. 2000), affirmed in part, 74 P.3d 889 (Alaska 2003) (holding that a petitioner may litigate a second application if the first post-conviction relief attorney provided incompetent representation in the first application).

The motion is **DENIED**.

Entered by direction of the Court.

Clerk of the Appellate Courts



Beth A. Pechota, Deputy Clerk

cc: Court of Appeals Judges
Judge Marston
Trial Court Clerk - Anchorage
Angelo Joseph

Distribution:

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